

P.O./SB/65 (03-09)

Approved for use through 03/31/2012 OMB 0651-0018

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450  
Fax: (571) 273-8300

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DEC 08 2011

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at  
(571) 272-3282.

Patent Number: 7,152,838Application Number: 10/774036Issue Date: 12/26/2006Filing Date: 02/06/2004

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

12/14/2011 DALLIN 00000014 7152838

01 FC:1599

1265.00 DP

The above-identified patent:

- ☐ is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_  
original filing date \_\_\_\_\_
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application  
\_\_\_\_\_ filed on \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

12-08-11

Date

[Signature]

Signature

MICHAEL R. KUTAS

Typed or printed name of person signing Certificate

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/55 (03-09)

Approved for use through 03/31/2012 OMB 0851-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27RECEIVED  
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## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

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## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input checked="" type="checkbox"/> \$ 565	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 565

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700

## 5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ \_\_\_\_\_
- ☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_
- ☒ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. \_\_\_\_\_

P10/SB/55 (03-09)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## 7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. \_\_\_\_\_

OR

☒ Send refund check


## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

  
\_\_\_\_\_  
Signature(s) of Petitioner(s)12-08-11  
\_\_\_\_\_  
DateMichael R. Kutas  
\_\_\_\_\_  
Typed or printed name(s)47,727  
\_\_\_\_\_  
Registration Number, if applicable2088 Flanders Road  
\_\_\_\_\_  
Address517.256.6422  
\_\_\_\_\_  
Telephone NumberCharlotte, MI 48813  
\_\_\_\_\_  
Address

## ENCLOSURES:

- ☒ Maintenance Fee Payment  
☒ Statement why maintenance fee was not paid timely  
☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)  
☐ Other: \_\_\_\_\_

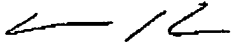
P: O/SB/65 (03-09)

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37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee or other party in interest."



Signature

12.08.11

Date

MICHAEL R. KUTAS

Type or printed name

47 727

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

Please see attached sheet.

(Please attach additional sheets if additional space is needed)

(Page 4 of 4)

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## In The United State Patent and Trademark Office

Patent No.: 7,152,838  
Application No.: 10/774,036  
Applicant: Taulbee, James Earl  
Title: Recreational Vehicle Awning Hanger Hook

## STATEMENT OF UNAVOIDABLE DELAY IN MAINTENANCE FEE

## PAYMENT

Your Applicant, Mr. James Taulbee, originally filed all paperwork to initiate the patent process with regard to his invention. During the patent prosecution process, Mr Taulbee contacted me to assist him for the limited purpose of formulating a proper response to the Examiner's Office Actions and any necessary discussions with the Examiner. I assisted Mr. Taulbee with this and we were successful in gaining approval of his Application. The patent reference herein subsequently issued on December 26, 2006.

In the intervening years, I closed my patent practice (with the exception of the pending application of a friend) and transferred all matters to another patent attorney. Being that my representation of Mr. Taulbee was complete and his resuming supervision of his patent, this patent was not transferred by me to new counsel for maintenance.

In November of this year, during a check of information on a closed file for a local attorney, I came across Mr. Taulbee's (and other patent client) files in storage. I checked these patents for status and saw that Mr. Taulbee's maintenance fee had not been paid. I left a phone message for him alerting him of this and inquiring if in fact he meant

to allow his patent to expire. He phoned me back and we discussed the fact that he did not in fact intend for this patent to expire, and asked if I could assist him in paying the fee and reinstating the patent. After an additional telephone discussion, he assured me he was unaware that this maintenance fee was overdue, and would otherwise have promptly paid it.

Mr. Taulbee promptly sent me payment for the maintenance fee and surcharge, and I agreed to assist in filing these documents to reinstate his patent. It has been approximately 2 weeks since our first conversation on this matter to the day we are submitting these forms.

Having not received notice of the maintenance fee due, timely payment of this fee by Mr. Taulbee was truly unavoidable. We have initiated steps for him to take in the future to ensure that subsequent payments are not late, including my forwarding to him a Request for Customer Number form and Fee Address Indication form to be completed and submitted.

We respectfully ask your consideration of this Petition, that you accept the enclosed unavoidably late maintenance fee payment, and reinstate this patent.

  
\_\_\_\_\_

Michael R. Kutas  
Typed or printed name

12-08-11  
Date

47,727  
Registration Number